

June 7, 2005

-- **REPLACEMENT MINUTES** --

For

WEDNESDAY, JUNE 1, 2005

Please disregard the minutes sent earlier for the above date, and use the attached replacement. The oral argument minutes were inadvertently omitted.

Thank you.

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 1, 2005
LOS ANGELES, CALIFORNIA**

The Supreme Court of California reconvened in its courtroom in the Ronald Reagan State Office Building, Third Floor, South Tower, 300 South Spring Street, Los Angeles, California, on June 1, 2005, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, Brown and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

S117726 Cummins, Inc., et al., Petitioners
 v.
 Riverside County Superior Court, Respondent
 Edward D. Cox, et al., Real Parties in Interest
 Cause called. Tami S. Smason opened argument for Petitioner.
 Thomas Murphy continued argument for Petitioner.
 Michael S. Humphries argued for Real Party in Interest.
 Ms. Smason replied.
 Cause submitted.

S122254 In re the Marriage of Diane L. and Douglas Benson

 Diane L. Benson, Appellant
 v.
 Douglas Benson, Respondent
 Cause called. Brigham J. Ricks argued for Appellant.
 John R. Rydell II argued for Respondent.
 Mr. Ricks replied.
 Cause submitted.

Justice Kathryn Mickle Werdegarr, not participating in consideration of the following case, did not take the bench.

The Honorable Vaino Hassan Spencer, Presiding Justice, Court of Appeal, Second District, Division One, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S123344 Grafton Partners, LP, et al., Petitioners
 v.
 The Superior Court of Alameda County, Respondent
 PricewaterhouseCoopers LLP, Real Party in Interest
 Cause called. Daniel M. Kolkey argued for Real Party in Interest.
 Jerome B. Falk, Jr. argued for Petitioner.
 Mr. Kolkey replied.
 Cause submitted.

Justice Spencer, not participating in the following matters, did not join the bench. The Court is rejoined at the bench by Justice Werdegarr.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.
Members of the Court and Officers present as first shown.

S115823 Steven Reynolds, Plaintiff and Appellant
 v.
 Christian Bement, Defendant and Respondent
 Cause called. Brad Seligman argued for Appellant.
 Kathleen M. McDowell argued for Respondent.
 Mr. Seligman replied.
 Cause submitted.

Justice Kathryn Mickle Werdegar, not participating in consideration of the following case, did not take the bench.

The Honorable Kenneth R. Yegan, Associate Justice, Court of Appeal, Second District, Division, Six, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

Justice Ming W. Chin, not participating in consideration of the following case, did not take the bench.

The Honorable Laurie D. Zelon, Associate Justice, Court of Appeal, Second District, Division Seven, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S119046 State of California ex rel. RoNo, LLC, Plaintiffs and Appellants
v.

Altus Finance, S.A., et al., Defendants

CDR Enterprises, et al., Defendants and Appellants

Cause called. Jan Zabriskie, Office of the Attorney General, argued for Plaintiffs and Appellants.

James P. Clark opened argument for Defendants and Appellants.

James E. Lyons continued argument for Defendants and appellants.

Cause submitted.

Justice Yegan, not participating in the following matters, did not join the bench. The Court is rejoined at the bench by Justice Werdegarr.

Justice Zelon, not participating in the following matters, did not join the bench. The Court is rejoined at the bench by Justice Chin.

All other members of the Court and officers were present as before shown.

S021054 The People, Respondent
 v.
 Richard Russell Moon, Appellant
 Cause called. Craig Buckser, Office of the State Public Defender,
 argued for Appellant.
 Jason C. Tran, Office of the Attorney General, argued for
 Respondent.
 Mr. Buckser replied.
 Cause submitted.

Court recessed until 9:00 a.m., Thursday, June 2, 2005.

S134206
G035542 Fourth Appellate District,
 Division Three

MEDINA v. S.C. (CITY OF GARDEN GROVE)
Petition for review and application for stay denied

S131807
A095918 First Appellate District,
A097793 Division Four

STATE OF CALIFORNIA ex rel. HARRIS v.
PRICewaterhouseCOOPERS
Extension of time granted

to June 24, 2005 for Defendant to file opening
brief on the merits.